

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

BILLY PARRELL THOMPSON,)
v.)
Plaintiff,)
NURSE BRENDA; CAPTAIN GABE)
THOMPSON;)
All Parties are Sued in Their)
Official and Individual Capacities,)
Defendants.)

No. 1:08-cv-298
Chief Judge Curtis L. Collier

MEMORANDUM

Billy Parnell Thompson (“Thompson”) filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 (Court File No. 3). The Court previously reserved ruling on his *in forma pauperis* application pending Thompson’s filing a statement certified by the appropriate institutional officer showing the balance in his institutional account for the six months prior to filing this § 1983 complaint. Prior to Thompson filing the certified statement, he notified the Court of a change of address; thus, the Court presumed he had been released from the Bradley County Justice Center and ordered him to complete a non-prisoner *in forma pauperis* application within thirty days from the Court’s February 26, 2009 Order (Court File No. 10). Additionally, Thompson was notified that non-compliance with the Court’s order would result in the dismissal of the case for lack of prosecution (Court File No. 10).

There has been no response to the Court's Order. Accordingly, the Court finds Thompson has failed to comply with its Order.

Rule 41(b) of the Federal Rules of Civil Procedure permits this Court to dismiss an action *sua sponte* for failure to prosecute or follow orders of the Court. This authority flows from the

Court's inherent power to control its docket, prevent undue delays in the disposition of pending cases, and avoid congested court calendars. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962).

Therefore, this action will be **DISMISSED** for Thompson's failure to prosecute and to comply with the Orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

A judgment will enter.

/s/

**CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE**